

Notice of Allowability

Application No.

10/697,011

Applicant(s)

WATERS, JOHN DERYK

Examiner

Daniel A. Hess

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/31/05 amendment.
2. ☒ The allowed claim(s) is/are 1-25 and 27-29.
3. ☒ The drawings filed on 31 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION / REASONS FOR ALLOWANCE

This action is in response to applicant's after-final amendment of 3/31/2005. This amendment, which cancels the sole rejected claim, is to be entered, making the instant application allowable.

Allowable Subject Matter

Claims 1-25 and 27-29 are allowed.

The following is an examiner's statement of reasons for allowance:

Firstly, the applicant has cancelled the sole rejected claim, claim 26. Therefore, the reasons for indicating allowable subject matter in the 2/24/2005 final rejection are reasons for allowance in the instant case.

To sum up and elaborate upon those earlier reasons for allowance, the prior art fails to fairly teach or suggest an interrogator and tag system whereby the interrogator operates at a first lower power and alternatively at a second higher power such that first a low power interrogation signal goes out such that a tag if present, responds by sending an identifier, causing the interrogator, which receives the identifier, to move to a second, higher power interrogation mode.

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There exists much art where the card has a low power and a high power mode, typically for the sake of power savings. See for example Wood, Jr. (6,265,963), among others. For the interrogator, power savings is generally not as critical, and thus arrangements where the interrogator has variable power are thus relatively rare. In Cole et al. (US 5,523,749, column 15, lines 10-20) the interrogator may have variable power, but switching from low to high not due to the detection of an ID from the tag.

From the 2/24/05 action:

It is to be noted that the above limitations do distinguish from Johnson (US 6,476,708), of record in the IDS of 11/12/2004. In particular, Johnson teaches a system where the detector operates at a low level and senses what are essentially variations in the electromagnetic field at the resonant frequency of the transponder tag and then moves to a full operation, full power mode. In Johnson, the tag does not send an identifier, but rather is passively sensed by its effect on the surrounding electromagnetic field.

Stickelbrocks does not meet the limitations of the claim because the particular limitation, "identifier signal which is configured to cause the reader to increase the magnitude of the reader signal" is not taught or suggested.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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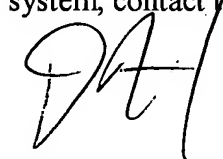
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH

DANIEL STCYR
PRIMARY EXAMINER

